

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	4:10CR3101
)	
v.)	
)	MEMORANDUM AND ORDER
JEROME OTIS DAVIS,)	
)	
Defendant.)	

The defendant has moved to continue the pretrial motion deadline currently set for October 29, 2010. Filing No. 39. Defense counsel explains additional time is needed to complete discovery and interview witnesses. Based on the showing set forth in the defendant's motion, the court finds the motion should be granted.

IT IS ORDERED:

- 1) The defendant's unopposed motion to continue, (filing no. 39), is granted and the defendant's pretrial motions and briefs shall be filed on or before November 30, 2010.
- 2) The ends of justice will be served by granting defendant's motion to continue the pretrial motion deadline, and outweigh the interests of the public and the defendant in a speedy trial, and the additional time arising as a result of the granting of the motion, the time between today's date and November 30, 2010, shall be deemed excludable time in any computation of time under the requirements of the Speedy Trial Act, for the reason that the parties require additional time to adequately prepare the case, taking into consideration due diligence of counsel, the novelty and complexity of the case, and the fact that the failure to grant additional time might result in a miscarriage of justice. 18 U.S.C. § 3161(h)(7)(A) & (B).
- 3) As to both defendants, the trial of this case is continued and is set to commence before the Honorable Richard G. Kopf at 9:00 a.m. on January 24, 2011 or as soon thereafter as the case may be called, for a duration of 5 trial days, in Courtroom 1, United States Courthouse, Lincoln, Nebraska. Jury selection will be held at commencement of trial.

DATED this 28th day of October, 2010.

s/ Cheryl R. Zwart
United States Magistrate